

IC 31-30

ARTICLE 30. JUVENILE LAW: JUVENILE COURT JURISDICTION

IC 31-30-1

Chapter 1. Jurisdiction Generally

IC 31-30-1-1

Sec. 1. A juvenile court has exclusive original jurisdiction, except as provided in sections 9, 10, 12, and 13 of this chapter, in the following:

- (1) Proceedings in which a child, including a child of divorced parents, is alleged to be a delinquent child under IC 31-37.
- (2) Proceedings in which a child, including a child of divorced parents, is alleged to be a child in need of services under IC 31-34.
- (3) Proceedings concerning the paternity of a child under IC 31-14.
- (4) Proceedings under the interstate compact on juveniles under IC 31-37-23.
- (5) Proceedings governing the participation of a parent, guardian, or custodian in a program of care, treatment, or rehabilitation for a child under IC 31-34-16 or IC 31-37-15.
- (6) Proceedings under IC 31-34-4, IC 31-34-5, IC 31-37-5, and IC 31-37-6 governing the detention of a child before a petition has been filed.
- (7) Proceedings to issue a protective order under IC 31-32-13.
- (8) Proceedings in which a child less than sixteen (16) years of age is alleged to have committed an act that would be a misdemeanor traffic offense if committed by an adult.
- (9) Proceedings in which a child is alleged to have committed an act that would be an offense under IC 9-30-5 if committed by an adult.
- (10) Guardianship of the person proceedings for a child:
 - (A) who has been adjudicated as a child in need of services;
 - (B) for whom a juvenile court has approved a permanency plan under IC 31-34-21-7 that provides for the appointment of a guardian of the person; and
 - (C) who is the subject of a pending child in need of services proceeding under IC 31-34.
- (11) Other proceedings specified by law.

As added by P.L.1-1997, SEC.13. Amended by P.L.164-1999, SEC.1; P.L.217-2001, SEC.3.

IC 31-30-1-2

Sec. 2. Except as provided in IC 33-5-29.5-4, IC 33-5-35.1-4, and section 8 of this chapter, the juvenile law does not apply to the following:

- (1) A child at least sixteen (16) years of age who allegedly committed a violation of a traffic law, the violation of which is a misdemeanor, unless the violation is an offense under IC 9-30-5.

(2) A child who is alleged to have committed a violation of a statute defining an infraction, except as provided under IC 7.1-5-7.

(3) A child who is alleged to have committed a violation of an ordinance.

(4) A child who:

(A) is alleged to have committed an act that would be a crime if committed by an adult; and

(B) has previously been waived under IC 31-30-3 (or IC 31-6-2-4 before its repeal) to a court having misdemeanor or felony jurisdiction.

As added by P.L.1-1997, SEC.13.

IC 31-30-1-3

Sec. 3. A juvenile court has concurrent original jurisdiction in cases involving adults charged with the crime of:

(1) neglect of a dependent (IC 35-46-1-4);

(2) contributing to delinquency (IC 35-46-1-8);

(3) violating the compulsory school attendance law (IC 20-8.1-3);

(4) criminal confinement of a child (IC 35-42-3-3); or

(5) interference with custody (IC 35-42-3-4).

As added by P.L.1-1997, SEC.13.

IC 31-30-1-4

Sec. 4. (a) The juvenile court does not have jurisdiction over an individual for an alleged violation of:

(1) IC 35-42-1-1 (murder);

(2) IC 35-42-3-2 (kidnapping);

(3) IC 35-42-4-1 (rape);

(4) IC 35-42-4-2 (criminal deviate conduct);

(5) IC 35-42-5-1 (robbery) if:

(A) the robbery was committed while armed with a deadly weapon; or

(B) the robbery results in bodily injury or serious bodily injury;

(6) IC 35-42-5-2 (carjacking);

(7) IC 35-45-9-3 (criminal gang activity);

(8) IC 35-45-9-4 (criminal gang intimidation);

(9) IC 35-47-2-1 (carrying a handgun without a license);

(10) IC 35-47-10 (children and firearms);

(11) IC 35-47-5-4.1 (dealing in a sawed-off shotgun); or

(12) any offense that may be joined under IC 35-34-1-9(a)(2) with any crime listed in subdivisions (1) through (11);

if the individual was at least sixteen (16) years of age at the time of the alleged violation.

(b) The juvenile court does not have jurisdiction for an alleged violation of manufacturing or dealing in cocaine, a narcotic drug, or methamphetamine (IC 35-48-4-1), dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2), or dealing in a schedule IV controlled substance (IC 35-48-4-3), if:

(1) the individual has a prior unrelated conviction under

IC 35-48-4-1, IC 35-48-4-2, or IC 35-48-4-3; or
(2) the individual has a prior unrelated juvenile adjudication that, if committed by an adult, would be a crime under IC 35-48-4-1, IC 35-48-4-2, or IC 35-48-4-3;
and the individual was at least sixteen (16) years of age at the time of the alleged violation.

(c) Once an individual described in subsection (a) has been charged with any crime listed in subsection (a)(1) through (a)(15), the court having adult criminal jurisdiction shall retain jurisdiction over the case even if the individual pleads guilty to or is convicted of a lesser included offense. A plea of guilty to or a conviction of a lesser included offense does not vest jurisdiction in the juvenile court.

As added by P.L.1-1997, SEC.13. Amended by P.L.17-2001, SEC.7.

IC 31-30-1-5

Sec. 5. A juvenile court has concurrent original jurisdiction with the probate court in the following proceedings:

(1) Proceedings to commit children under IC 12-26.

(2) Proceedings to terminate the parent-child relationship under IC 31-35.

However, the juvenile court's jurisdiction is limited as described in IC 12-26-1-4.

As added by P.L.1-1997, SEC.13.

IC 31-30-1-6

Sec. 6. (a) Subject to subsections (b) and (c), this article does not prohibit a probate court from exercising its jurisdiction over guardianship of a person who is less than eighteen (18) years of age.

(b) If allegations in the petition for guardianship or allegations produced at guardianship proceedings indicate that the person for whom the guardianship is requested meets the definition of a child in need of services under IC 31-34-1, the probate court on its own motion or at the request of a party shall:

(1) send the petition for guardianship or the record of guardianship proceedings, or both, to the prosecuting attorney or the attorney for the county office of family and children; and

(2) direct the prosecuting attorney or the attorney for the county office of family and children to initiate an investigation and proceedings in the juvenile court to determine whether the person for whom the guardianship is requested is a child in need of services.

(c) The probate court retains jurisdiction over the matter until the juvenile court authorizes the filing of a petition under IC 31-34-9.

As added by P.L.1-1997, SEC.13.

IC 31-30-1-7

Sec. 7. A juvenile court has concurrent original jurisdiction in cases involving individuals who are subject to prosecution under IC 14-15-10-3.

As added by P.L.1-1997, SEC.13.

IC 31-30-1-8

Sec. 8. The juvenile division of the Marion superior court established under IC 33-5.1-2 has exclusive jurisdiction over a child who:

- (1) has been taken into custody in Marion County; and
- (2) has allegedly committed an act that would be a misdemeanor traffic offense if committed by an adult.

As added by P.L.1-1997, SEC.13.

IC 31-30-1-9

Sec. 9. (a) A court having felony jurisdiction has concurrent original jurisdiction with the juvenile court if there is probable cause to believe that:

- (1) a child has committed an act that would be murder or a felony if committed by an adult;
- (2) the child has left Indiana; and
- (3) the state cannot obtain jurisdiction over the child in any other lawful manner except under the proceedings authorized for the extradition of alleged felons.

(b) Upon the return of any child under the criminal extradition law, the court having felony jurisdiction shall immediately transfer the child to the juvenile court under section 11 of this chapter.

As added by P.L.1-1997, SEC.13.

IC 31-30-1-10

Sec. 10. A circuit court has concurrent original jurisdiction with the juvenile court, including the probate court described in IC 33-8-2-10, for the purpose of establishing the paternity of a child in a proceeding under:

- (1) IC 31-18;
- (2) IC 31-1.5 (before its repeal); or
- (3) IC 31-2-1 (before its repeal);

to enforce a duty of support.

As added by P.L.1-1997, SEC.13.

IC 31-30-1-11

Sec. 11. (a) Except as provided in section 9 of this chapter, if a court having criminal jurisdiction determines that a defendant is alleged to have committed a crime before the defendant is eighteen (18) years of age, the court shall immediately transfer the case, together with certified copies of all papers, documents, and testimony, to the juvenile court. The juvenile court shall proceed as if it had received a referral under IC 31-37-8.

(b) The court having criminal jurisdiction shall release the child on the child's own recognizance or to the child's parent, guardian, or custodian upon that person's written promise to bring the child before the juvenile court at a specified time. However, the court may order the child detained if the court finds probable cause to believe that the child committed an act that would be a crime if committed by an adult and that:

- (1) the child is unlikely to appear before the juvenile court for

subsequent proceedings;

(2) detention is essential to protect the child or the community;

(3) the parent, guardian, or custodian:

(A) cannot be located; or

(B) is unable or unwilling to take custody of the child; or

(4) the child has a reasonable basis for requesting that he or she not be released.

If the child is detained for a reason specified by subdivision (3) or (4), the child must be detained in accordance with IC 31-37-7-1.

(c) If the child is not released, the child shall be delivered to a place designated by the juvenile court. The court having criminal jurisdiction shall promptly notify the child's parent, guardian, or custodian and an intake officer of where the child is being held and the reasons for the child's detention.

(d) A child transferred to the juvenile court under this section (or IC 31-6-2-2 before its repeal) may not be released on bail.

As added by P.L.1-1997, SEC.13.

IC 31-30-1-12

Sec. 12. (a) Subject to subsection (b), a court having jurisdiction under IC 31-17-2 of a child custody proceeding in a marriage dissolution has concurrent original jurisdiction with the juvenile court for the purpose of modifying custody of a child who is under the jurisdiction of the juvenile court because:

(1) the child is the subject of a child in need of services proceeding;

(2) the child is the subject of a juvenile delinquency proceeding that does not involve an act described under IC 31-37-1-2; or

(3) the child is the subject of a paternity proceeding.

(b) Whenever the court having child custody jurisdiction under IC 31-17-2 in a marriage dissolution modifies child custody as provided by this section, the modification is effective only when the juvenile court:

(1) enters an order approving the child custody modification; or

(2) terminates the child in need of services proceeding, the juvenile delinquency proceeding, or the paternity proceeding.

As added by P.L.164-1999, SEC.2.

IC 31-30-1-13

Sec. 13. (a) Subject to subsection (b), a court having jurisdiction under IC 31-14 of a child custody proceeding in a paternity proceeding has concurrent original jurisdiction with another juvenile court for the purpose of modifying custody of a child who is under the jurisdiction of the other juvenile court because:

(1) the child is the subject of a child in need of services proceeding; or

(2) the child is the subject of a juvenile delinquency proceeding that does not involve an act described under IC 31-37-1-2.

(b) Whenever the court having child custody jurisdiction under IC 31-14 in a paternity proceeding modifies child custody as provided by this section, the modification is effective only when the juvenile

court with jurisdiction over the child in need of services proceeding or juvenile delinquency proceeding:

- (1) enters an order approving the child custody modification; or
- (2) terminates the child in need of services proceeding or the juvenile delinquency proceeding.

As added by P.L.164-1999, SEC.3.

IC 31-30-2

Chapter 2. Continuing Jurisdiction

IC 31-30-2-1

Sec. 1. (a) Except as provided in subsections (b) and (c), the juvenile court's jurisdiction over a delinquent child or a child in need of services and over the child's parent, guardian, or custodian continues until:

- (1) the child becomes twenty-one (21) years of age, unless the court discharges the child and the child's parent, guardian, or custodian at an earlier time; or
- (2) guardianship of the child is awarded to the department of correction.

(b) The juvenile court may, on its own motion, after guardianship of a child is awarded to the department of correction, reinstate the court's jurisdiction for the purpose of ordering the child's parent, guardian, or custodian to participate in programs operated by or through the department of correction.

(c) The juvenile court's jurisdiction over a parent or guardian of the estate of a child under this section continues until the parent or guardian of the estate has satisfied the financial obligation of the parent or guardian of the estate that is imposed under IC 31-40 (or IC 31-6-4-18 before its repeal).

(d) The jurisdiction of the juvenile court over a proceeding described in IC 31-30-1-1(10) for a guardianship of the person continues until the earlier of the date that:

- (1) the juvenile court terminates the guardianship of the person; or
- (2) the child becomes:
 - (A) nineteen (19) years of age, if a child who is at least eighteen (18) years of age is a full-time student in a secondary school or the equivalent level of vocational or technical training; or
 - (B) eighteen (18) years of age, if clause (A) does not apply.

If the guardianship of the person continues after the child becomes the age specified in subdivision (2), the juvenile court shall transfer the guardianship of the person proceedings to a court having probate jurisdiction in the county in which the guardian of the person resides. If the juvenile court has both juvenile and probate jurisdiction, the juvenile court may transfer the guardianship of the person proceedings to the probate docket of the court.

(e) The jurisdiction of the juvenile court to enter, modify, or enforce a support order under IC 31-40-1-5 continues during the time that the court retains jurisdiction over a guardianship of the person proceeding described in IC 31-30-1-1(10).

(f) At any time, a juvenile court may, with the consent of a probate court, transfer to the probate court guardianship of the person proceedings and any related support order initiated in the juvenile court.

As added by P.L.1-1997, SEC.13. Amended by P.L.217-2001, SEC.4.

IC 31-30-2-2

Sec. 2. If the department of correction is awarded guardianship of a child under section 1(a)(2) of this chapter (or IC 31-6-2-3(a)(2) before its repeal), the department of correction shall notify the court awarding the guardianship when the department will release the child from the department's custody. The notification must be sent to the court at least ten (10) days before the child's release.

As added by P.L.1-1997, SEC.13.

IC 31-30-2-3

Sec. 3. After receiving notification under section 2 of this chapter (or IC 31-6-2-3(b) before its repeal), a juvenile court may within thirty (30) days after notification, on the court's own motion, reinstate jurisdiction over the child for the purpose of modifying under IC 31-34-23 or IC 31-37-22 the court's original dispositional decree.

As added by P.L.1-1997, SEC.13.

IC 31-30-2-4

Sec. 4. The department of correction may petition the court to reinstate the court's jurisdiction over the child and the child's parent, guardian, or custodian to modify the court's decree under IC 31-34-23 or IC 31-37-22 (or IC 31-6-7-16 before its repeal) or order the child's parent, guardian, or custodian to participate in programs operated by or through the department of correction.

As added by P.L.1-1997, SEC.13.

IC 31-30-2-5

Sec. 5. If any part of an order of restitution remains unpaid at the time a child is released by the department of correction, the court may reinstate jurisdiction over the child and place the child under the supervision of the probation department until the restitution order is satisfied.

As added by P.L.1-1997, SEC.13.

IC 31-30-3

Chapter 3. Waiver of Jurisdiction

IC 31-30-3-1

Sec. 1. Waiver of jurisdiction refers to an order of the juvenile court that waives the case to a court that would have jurisdiction had the act been committed by an adult. Waiver is for the offense charged and all included offenses.

As added by P.L.1-1997, SEC.13.

IC 31-30-3-2

Sec. 2. Upon motion of the prosecuting attorney and after full investigation and hearing, the juvenile court may waive jurisdiction if it finds that:

- (1) the child is charged with an act:
 - (A) that is heinous or aggravated, with greater weight given to acts against the person than to acts against property; or
 - (B) that is a part of a repetitive pattern of delinquent acts, even though less serious;
- (2) the child was at least fourteen (14) years of age when the act charged was allegedly committed;
- (3) there is probable cause to believe that the child committed the act;
- (4) the child is beyond rehabilitation under the juvenile justice system; and
- (5) it is in the best interests of the safety and welfare of the community that the child stand trial as an adult.

As added by P.L.1-1997, SEC.13.

IC 31-30-3-3

Sec. 3. Upon motion of the prosecuting attorney and after a full investigation and a hearing, the court may waive jurisdiction if it finds that:

- (1) the child is charged with an act that, if committed by an adult, would be a felony under IC 35-48-4;
- (2) there is probable cause to believe that the child has committed the act;
- (3) the child was at least sixteen (16) years of age when the act was allegedly committed; and
- (4) it is in the best interests of the safety and the welfare of the community for the child to stand trial as an adult.

As added by P.L.1-1997, SEC.13.

IC 31-30-3-4

Sec. 4. Upon motion of the prosecuting attorney and after full investigation and hearing, the juvenile court shall waive jurisdiction if it finds that:

- (1) the child is charged with an act that would be murder if committed by an adult;
- (2) there is probable cause to believe that the child has committed the act; and

(3) the child was at least ten (10) years of age when the act charged was allegedly committed;
unless it would be in the best interests of the child and of the safety and welfare of the community for the child to remain within the juvenile justice system.

As added by P.L.1-1997, SEC.13.

IC 31-30-3-5

Sec. 5. Except for those cases in which the juvenile court has no jurisdiction in accordance with IC 31-30-1-4, the court shall, upon motion of the prosecuting attorney and after full investigation and hearing, waive jurisdiction if it finds that:

(1) the child is charged with an act that, if committed by an adult, would be:

(A) a Class A or Class B felony, except a felony defined by IC 35-48-4;

(B) involuntary manslaughter as a Class C felony under IC 35-42-1-4; or

(C) reckless homicide as a Class C felony under IC 35-42-1-5;

(2) there is probable cause to believe that the child has committed the act; and

(3) the child was at least sixteen (16) years of age when the act charged was allegedly committed;

unless it would be in the best interests of the child and of the safety and welfare of the community for the child to remain within the juvenile justice system.

As added by P.L.1-1997, SEC.13.

IC 31-30-3-6

Sec. 6. Upon motion by the prosecuting attorney, the juvenile court shall waive jurisdiction if it finds that:

(1) the child is charged with an act which would be a felony if committed by an adult; and

(2) the child has previously been convicted of a felony or a nontraffic misdemeanor.

As added by P.L.1-1997, SEC.13.

IC 31-30-3-7

Sec. 7. A motion to waive jurisdiction may not be made or granted after:

(1) the child has admitted the allegations in the petition at the initial hearing; or

(2) the first witness has been sworn at the factfinding hearing.

As added by P.L.1-1997, SEC.13.

IC 31-30-3-8

Sec. 8. If jurisdiction is waived, the juvenile court:

(1) shall order the child held for proceedings in the court to which the child is waived; and

(2) may fix a recognizance bond for the child to answer the charge in the court to which the child is waived.

As added by P.L.1-1997, SEC.13.

IC 31-30-3-9

Sec. 9. The finding of probable cause required to waive jurisdiction is sufficient to establish probable cause in the court to which the child is waived.

As added by P.L.1-1997, SEC.13.

IC 31-30-3-10

Sec. 10. A waiver order must include specific findings of fact to support the order.

As added by P.L.1-1997, SEC.13.

IC 31-30-3-11

Sec. 11. The prosecuting attorney shall file a copy of the waiver order with the court to which the child has been waived when the prosecuting attorney files the indictment or information.

As added by P.L.1-1997, SEC.13.